

EXECUTIVE OFFICER SUMMARY REPORT
SEPTEMBER 10, 2003

ITEM: 13

SUBJECT: STATUS REPORT: DUKE ENERGY SOUTH BAY LLC, A
REPORT ON THE STUDIES BEING CONDUCTED TO
ASSESS THE IMPACT OF THE INTAKE STRUCTURES AND
THERMAL DISCHARGE OF THE SOUTH BAY POWER
PLANT ON THE BIOLOGICAL RESOURCES AND
BENEFICIAL USES OF SOUTH SAN DIEGO BAY
(Hashim Navrozali)

PURPOSE: To provide Duke Energy an opportunity to update the Regional
Board on the six studies being conducted to assess the impact of
the intake structures and thermal discharge of the South Bay Power
Plant on south San Diego Bay.

PUBLIC NOTICE: N/A

DISCUSSION: On May 24, 2002, the Executive Officer issued a CWC Section
13267 letter directing Duke Energy to conduct six studies to assess
the impact of the intake structures and the discharge from the
South Bay Power Plant (SBPP) on the biological resources and
beneficial uses of south San Diego Bay and to verify compliance
with Sections 316(a) and 316(b) of the Clean Water Act (CWA).

These studies were required based on consultations with resource
and regulatory agencies, including the U.S. Fish and Wildlife
Service, the California Department of Fish and Game, the National
Marine Fisheries Service, and the U.S. EPA. The Regional Board
and the resource and regulatory agencies concluded that the
previous studies conducted by the discharger did not fully
represent existing conditions in south San Diego Bay and
operational parameters at the SBPP.

Pursuant to the Section 13267 letter, Duke Energy submitted
outlines for the six studies on August 6, 2002. Duke Energy

incorporated the comments and recommendations made by the Regional Board and resource agencies in the Final Study Workplans. These Final Study Workplans were submitted on October 21, 2002. Duke Energy commenced implementation of the studies in December 2002, and the studies activities are expected to conclude in December 2003. Pursuant to the Section 13267 letter, the Final Report is due for submittal to the Regional Board no later than February 2, 2004.

The information generated by the six studies will be considered by the Regional Board in consideration of Duke Energy's NPDES permit renewal. A revised draft permit is expected to be presented for the Regional Board's consideration at its regularly scheduled meeting in June 2004.

LEGAL CONCERNS: N/A

SUPPORTING
DOCUMENT: Copy of Duke Energy's PowerPoint presentation to the Regional Board.

RECOMMENDATION: N/A